

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,  
Plaintiff,

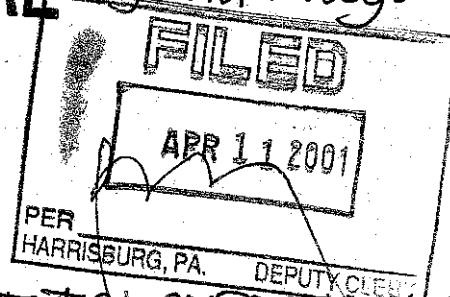
CIVIL NO. 1-01-00000

vs.

ORIGINAL

U.S. District Judge R.  
Magistrate Judge Smyth

KENNETH D. KYURKCHYAN,  
Defendants.



PLAINTIFF'S REPLY BRIEF IN OPPOSITION TO  
DEFENDANTS' BRIEF IN OPPOSITION TO MOTION TO COMPEL

Comes now the Plaintiff & he so named in the above entitled  
Action, John Richard Jae as a Layman Unlettered in the Arts & Sciences  
the Laws & Legal Procedures within the United States & now files  
Plaintiff's REPLY BRIEF IN OPPOSITION TO Defendants' Brief  
Opposition To Motion To Compel whoavers, deposes & state

On January 8, 2001, Plaintiff John Richard Jae  
served upon Defendants' Counsel, his Second Set  
of Interrogatories and Third Request For Production  
of Documents, herein this case.

On February 13, 2001, Defendants, by Counsel, filed  
their objections to Plaintiff's Second Set of  
Interrogatories and their objections to Plaintiff's  
Third Request For Production of Documents, herein this case.

On March 9, 2001, Plaintiff filed his Motion To Compel  
Production of Documents And Answer To Plaintiff's Second Set of Interrogatories

on March 26, 2001, Defendants, by Counsel, filed their Brief  
Opposition To Motion To Compel, herein to this case.

This here is the Plaintiff's Reply Brief In Oppo-  
sition To Defendants' Brief In Opposition To Motion To Compel.

Defendants first claim & argue, that:-

Initially, plaintiff argues in his motion to  
compel that defendants did not timely object  
to his Second Set of Interrogatories  
and Third Request for Production of Documents.

However, by reply to such, plaintiff avers & submits  
that, even assuming arguendo, that Defendants  
in fact, timely object to Plaintiff's Second Set  
Interrogatories and Third Request for Production  
Documents, herein, their objections to such  
must by & under MD. LR 7-5 be deemed and consid-  
ered to be waived, as they did not timely file their  
In Opposition To Motion To Compel, herein to this case.

Defendants next claim & argue, that:-

Joe argues that he could not be reasonably  
expected to serve his discovery until he  
1/ See Defendants' Brief In Opposition To Motion To Compel, at  
2/ See Plaintiff's Brief In Support Of Motion To Compel  
Production of Documents And Answers To Plaintiff's Second

Received a ruling on his earlier motion to compel, and the Court determined whether Jae's Supplemental complaint was a pleading and when discovery closed under Local Rule 26.4. There is no reason, however, for Jae not to serve his discovery before the Court ruled. Any ruling of the Court would apply to that discovery as well. Alternatively, Jae could have asked for more time to complete discovery. He did neither, and the uncertainty over the date for the close of discovery does not excuse Jae's late discovery requests. 3/

However, In Reply to such, Plaintiff avers & submits that, first of all, since defendants had filed objections Plaintiff's Second ~~Request For Production~~ of Documents, their contention/argument that there is no reason, however, for Jae not to serve his discovery before the Court rule is ludicrous & frivolous, as he could not do so lest the Court would have granted Defendants objections to Plaintiff's Second Request For Production of Documents, obviously such would not only have barred Plaintiff's Second Request For Production of Documents, but Plaintiff's Second Set of Interrogatories And Third Request For Production of Documents as well. Furthermore, Plaintiff could not serve his Second Set of Interrogatories and Third <sup>Request For</sup> Production of Documents, herein, the same time that he filed his Second Request. 3/See Defendants Brief In opposition to Motion to Compel



Production of Documents, herein, on September 24, 2000, as Defendants had not yet even filed their Motion For Summary Judgment and Statement of Undisputed Facts. Plaintiff had no knowledge that he would even need information and document which he seeks from the Defendants in his Second Set of Interrogatories and Third Request For Production of Documents then, herein. Plaintiff first became aware that he would need such information and documents which he seeks in his Second Set of Interrogatories and Third Request For Production of Documents on December 8, 2000, when he received & reviewed Defendants' Memorandum of Law in support of Motion For Summary Judgment and their support Document, however, he believed that he could not serve his Second Set of Interrogatories and Third Request For Production of Documents upon Counsel for the Defendants, until this Court ruled on his pending Motion To Compel and Defendants' Objections To Plaintiff's Second Request For Production of Documents, herein. and <sup>furthermore</sup> the plaintiff is proceeding pro se without a lawyer, herein, & he is not a lawyer himself and he cannot be expected to know that a lawyer would know nor can this Court stringently hold him & his pro se pleadings strictly to the Local Rules of this Court, as it would an actual lawyer. Second, the Plaintiff was not aware during the relevant time period, herein, that he could have asked for more time to complete discovery and that such is why he did not do so herein. and that of all any confusion and misunderstanding.

the date for the close of discovery, herein, is on the part of the defendants, not this plaintiff.

Plaintiff also avers & submits, that, in addition what he had claimed & argued at pp. 10-11, of his Brief In Support Of Motion To Compel Production Of Documents And Answers To Interrogatories, herein this case, also argues herein, that he needs the Answers to his Second Set Of Interrogatories and Third Request For Production Documents from Defendants to also enable him to forth specific facts showing that there is a genuine factual, and that, without such, he will be unable to do so and further more, even if this would deny plaintiff's motion to compel, it could & should in the interests of fundamental fairness & equal justice, reopen discovery proceeding herein <sup>case</sup> ~~in this~~ and order Defendants to answer plaintiff's ~~second set of~~ <sup>second set of</sup> Interrogatories and produce the documents requested therein Plaintiff's Request For Production Of Documents, or issue an order suspending Local Rule 26.4 herein this case, as provided by under Local Rule 1.3 of this Court.

Therefore, based upon the above & foregoing facts & arguments, Plaintiff's Motion To Compel Production Of Documents And Answers To Plaintiff's Second Set Of Interrogatories, should not be denied, but should be granted, in fact herein this case, forth with:

RESPECTFULLY SUBMITTING

(s)

~~John Richard Jare~~  
MR. JOHN RICHARD JARE,  
#BQ-2219  
5015 Greene/PMU  
175 Progress Drive  
Waynesburg, PA. 15370-80

Plaintiff and PRSE Counsel

Dated: 5th APRIL 2001:

DAE VS. KYLER, et al.  
 CIVIL NO. 1-CK-00-0315  
CERTIFICATE OF SERVICE

I certify that on 4-08-01, I mailed to the person listed below a true and correct carbon copy of each of the within Plaintiff's Reply Brief In Opposition to Defendants' Brief In Opposition to Plaintiff's Motion to Compel, Plaintiff's Reply Brief In Opposition to Defendant's Brief In Opposition to Plaintiff's Motion to Permit The Plaintiff to Communicate With Inmate At SCI-Camp Hill Prison, Plaintiff's Reply Brief to Defendants' Brief In Opposition to Plaintiff's Motion For An Order Requiring Fries on Chaplain Rex Vogel And Officer Charlotte Craig to Sign Affidavits For The Plaintiff and Plaintiff's Motion For Leave of Court to File A Reply Brief In Opposition to Defendants' Motion For Summary Judgment And Memorandum of Support which exceeds the Fifteen (15) page allowable limit LR 17.8 And Brief In Support, by First Class U.S. Mail, Postage Prepaid and addressed to:-

MR. Michael L. Harkey/SDAG  
 Office of the Attorney General of Pennsylvania  
 15th Floor, Strawberry Square  
 Harrisburg, PA. 17120

I certify that on 4-08-01, I gave the originals of each of the documents to Prison Officials here for mailing to this Court.

I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true & correct.

Dated/Executed on:  
 6th APRIL 2001 =  
 At Waynesburg, Pennsylvania

(s) John Richard  
 MR. JOHN RICHARD  
 #BQ-3219  
 SCI-Greene/SMU  
 175 Progress Drive  
 Waynesburg, PA. 15390